

United States Magistrate Court
DS-SDTX
FILED

NOV 07 2006

Michael N. Milby, Clerk
Laredo Division

EXHIBIT "A"

DEFENDANT'S EXHIBIT	
CASE NO.	<u>L-05-CV-226</u>
EXHIBIT NO.	<u>"A"</u>

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
700	NOV-08	14:03	19155952435-6634	0'01'17"	004	OK	N ECM

LAW OFFICES ANDRES REYES
CAPITOL CENTRE
401 E. HILLSIDE, 2ND FLOOR
LAREDO, TEXAS 78041

FACSIMILE TRANSMITTAL SHEET

TO:
ATTY TONY R. CONDE JR.

FROM:
DAWN FERRER

COMPANY:

DATE:
11-08-05

FAX NUMBER:

915-5952435

TOTAL NO. OF PAGES INCLUDING
COVER:

2

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:
956-712-3633

RE:

CAUSE NO 5974

TRANSPORTES CHIHUAHUA, INC.

V.

NTEX TRANSIT, INC.

YOUR REFERENCE NUMBER:

☒ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

SHOULD YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT
OUR OFFICE AT 712-3633.

Transaction Report

Send

Transaction(s) completed

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699	NOV-08	13:57	19155952435-6634	0'00'40"	002	OK	N ECM

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LAREDO, TEXAS 78041

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LAREDO, TEXAS 78041

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NOTES/COMMENTS:

SHOULD YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT
OUR OFFICE AT 712-3633.



LAW OFFICES OF
ANDRES REYES

CAPITOL CENTRE
401 E. HILLSIDE
LAREDO, TEXAS 78041
TEL: (956) 712-3633 • FAX: (956) 725-4594
E-MAIL: areyes@ldlaw.com

November 8, 2005

Via Fax (915) 595-2438

Mr. Tony R. Conde, Jr.
Attorney at Law
2244 Trawood, Suite 206
El Paso, Texas 79935

Re: Cause No. 5974, Transportes Chihuahua, Inc., Plaintiff v. NTEX Transit, Inc., Defendant, In The 41st Judicial District Court, El Paso County, Texas

Dear Mr. Conde:

I have been retained by Mr. Ricardo Rodriguez, the duly authorized dissolution agent for the named defendant, NTEX Transit, Inc., (NTEX) to represent it in the above referenced cause.

I am herewith sending you the articles of dissolution dated August 2, 2005, which were filed by Mr. Ricardo Rodriguez on behalf of NTEX. I am also providing you with a copy of the certificate of dissolution from the Secretary of State of North Carolina, Ms. Elaine F. Marshall.

Since NTEX has been effectively dissolved, the authorized agent in charge of winding down the affairs is Mr. Rodriguez. Mr. Rodriguez has authorized me to accept service on his behalf. If this is acceptable to you, please affix your signature at the foot of this letter and deliver a copy of your pleadings. My fax number is (956) 725-4594.

Most cordially,



ANDRES REYES

AR/df

TONY CONDE, JR.

SOSID: 0442314
Date Filed: 10/10/2005 9:48:00 AM
Effective: 12/31/2004
Elaine F. Marshall
North Carolina Secretary of State
C200528300009

State of North Carolina
Department of the Secretary of State

ARTICLES OF DISSOLUTION OF
LIMITED LIABILITY COMPANY

Pursuant to §57C-6-06 of the General Statutes of North Carolina, the undersigned limited liability company hereby submits the following Articles of Dissolution for the purpose of dissolving the limited liability company.

1. The name of the limited liability company is: NTEX Transit, LLC.
2. The dates of filing of its Articles of Organization and all amendments thereto are as follows:
November 10, 1997
3. The reason for filing the Articles of Dissolution is: (please check one of the following items)
☐ The time specified in the articles of organization or the company's written operating agreement has occurred.
☐ The happening of an event specified in the company's articles of organization or their written operating agreement.
☒ The written consent of all members.
☐ The company no longer has any members.
☐ The entry of a decree of judicial dissolution under G.S. §57C-6-02.
4. The effective date (which shall be date certain) of the dissolution, as determined in accordance with N.C.G.S. §57C-6-01, is
December 31, 2004
5. Attach any other information determined by the managers filing these articles.

This the 2nd day of August, 20 05

NTEX Transit, LLC.

Name of Limited Liability Company

[Signature]
Signature

Ricardo Rodriguez-Managing Member

Type or Print Name and Title

Notes:

1. Filing fee is \$36. This document must be filed with the Secretary of State.



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF DISSOLUTION

OF

NTEX TRANSIT, L.L.C.

the original of which was filed in this office on the 10th day of October, 2005.



IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official seal at the
City of Raleigh, this 10th day of October, 2005

Elaine F. Marshall

Secretary of State

State of North Carolina
Department of the Secretary of State

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☒ The written consent of all members.
☐ The company no longer has any members.
☐ The entry of a decree of judicial dissolution under G.S. §57C-6-02.
4. The effective date (which shall be date certain) of the dissolution, as determined in accordance with N.C.G.S. §57C-6-01, is
December 31, 2004
5. Attach any other information determined by the managers filing these articles.

This the 2nd day of August, 20 05

NTEX Transit, L.L.C.

Name of Limited Liability Company

[Signature]
Signature

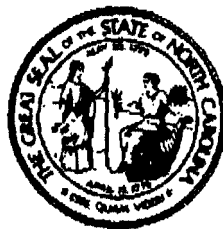
Ricardo Rodriguez-Managing Member

Type or Print Name and Title

Notes:

1. Filing fee is \$30. This document must be filed with the Secretary of State.

STATE OF NORTH CAROLINA



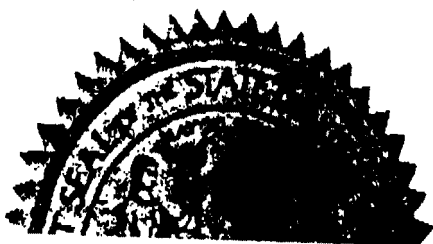
Department of The
Secretary of State

To all whom these presents shall come, Greetings:

I, **ELAINE F. MARSHALL**, *Secretary of State of the State of North Carolina*, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF ORGANIZATION OF NTEX TRANSIT, L.L.C.

the original of which was filed in this office on the 10th day of November, 1997.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 10th day of November, 1997.

Operating Agreement
of
NTEX Transit, LLC
(A North Carolina Limited Liability Company)

DATED: December 15, 1997

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OPERATING AGREEMENT**OF****NTEX Translt, LLC**

THIS OPERATING AGREEMENT of NTEX Translt, LLC (the "Company"), a limited liability company organized pursuant to the North Carolina Limited Liability Company Act, is executed effective as of the date set forth on the cover page of this Agreement, by and among the Company and the persons executing this Agreement as the Members and Managers.

**ARTICLE I
FORMATION OF THE COMPANY**

1.1. *Formation.* The Company was formed on November 10, 1987, upon the filing with the Secretary of State of the Articles of Organization of the Company. In consideration of the mutual premises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree that the rights and obligations of the parties and the administration and termination of the Company shall be governed by this Agreement, the Articles of Organization and the Act.

1.2. *Name.* The name of the Company is as set forth on the cover page of this Agreement. The Managers may change the name of the Company from time to time as they deem advisable, provided appropriate amendments to this Agreement and the Articles of Organization and necessary filings under the Act are first obtained.

1.3. *Registered Office and Registered Agent.* The Company's registered office within the State of North Carolina and its registered agent at such address shall be as determined from time to time by the Managers.

1.4. *Principal Place of Business.* The principal place of business of the Company within the State of North Carolina shall be at such place or places as the Managers may from time to time deem necessary or advisable.

1.5. *Purposes and Powers.*

(a) The purpose and business of the Company shall be to engage in the purchase, development, ownership, and sale of real property and in any other lawful business for which limited liability companies may be organized under the Act.

(b) The Company shall have any and all powers which are necessary or desirable to carry out the purposes and business of the Company, to the extent the same may be legally exercised by limited liability companies under the Act.

1.6. *Term.* The Company shall continue in existence until the close of the Company's business on October 31, 2032, as specified in the Company's Articles of Organization, unless the Company is earlier dissolved and its affairs wound up in accordance with the provisions of this Agreement or the Act.

rived an improper personal benefit; or (iii) acts or omissions occurring prior to the date this provision becomes effective. If the Act is amended to authorize further elimination of or limitations on the liability of Managers, then the liability of the Managers shall be eliminated or limited to the fullest extent permitted by the Act as so amended. Any repeal or modification of this Section shall not adversely affect the right or protection of a Manager existing at the time of such repeal or modification. The provisions of this Section 3.5 shall apply also to any Person to whom the Members have delegated management authority as provided in Section 3.1, whether or not such Person is a Manager or Member.

1.6. *Liability for Return of Capital Contribution.* The Managers shall not be liable for the return of the Capital Contributions of the Members, and upon dissolution, the Members shall look solely to the assets of the Company.

ARTICLE IV RIGHTS AND OBLIGATIONS OF MEMBERS

1.1. *Names and Addresses of Members.* The names, addresses, and Membership Interests of the Members are as reflected in Schedule I attached hereto and made a part hereof, which Schedule the Company shall amend as necessary to maintain the accuracy of all information disclosed therein.

1.2. *No Management by Members.* The Members in their capacity as Members shall not take part in the management or control of the business, nor transact any business for the Company, nor shall they have power to sign for or to bind the Company.

1.3. *Election of Managers.* The Members shall have the power by the action of a Majority in Interest to elect a Person to serve as a Manager to replace any Manager no longer able to serve in such capacity due to such Manager's death, resignation, or the vote of a Majority in Interest of the Members to remove such Manager.

1.4. *Action by Members.* Any action to be taken by the Members under the Act or this Agreement may be taken (i) at a meeting of Members held on such terms, and after such notice as the Managers may establish; PROVIDED, HOWEVER, that notice of a meeting of Members must be given to all Members entitled to vote at the meeting at least five (5) days before the date of the meeting; or (ii) by written action of a Majority in Interest of the Members; PROVIDED, HOWEVER, that any action requiring the consent of all Members under this Agreement, the Act, or other applicable law taken by written action must be signed by all Members. No notice need be given of action proposed to be taken by written action, or an approval given by written action, unless specifically required by this Agreement, the Act, or other applicable law. Such written actions must be kept with the records of the Company.

1.5. *Limited Liability.* The Members shall not be required to make any contribution to the capital of the Company except as set forth in Article V, nor shall the Members in their capacity as such be bound by, or personally liable for, any expense, liability, or obligation of the Company except to the extent of their interests in the Company and the obligation to return Distributions made to them under certain circumstances as required by the Act. The Members shall be under no obligation to restore a deficit capital account upon the dissolution of the Company or the liquidation of any of their Membership Interests.

1.6. *Bankruptcy or Incapacity of a Member.* A Member shall cease to have any power as a Member or a Manager, any voting rights or rights of approval hereunder upon death, bankruptcy, insolvency, dissolution, assignment for the benefit of creditors, or legal incapacity; and each Member,

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
MEMPHIS TN 37501

DATE OF THIS NOTICE: 12-17-1997
NUMBER OF THIS NOTICE: CP 575 B
EMPLOYER IDENTIFICATION NUMBER: 56-2058904
FORM: SS-4
4916820988 B

NTEX TRANSIT L L C
% CRAIG S EURY JR
104 SCALEYBARK CT
WEST END NC 27376

FOR ASSISTANCE CALL US AT:
1-800-829-1040

OR WRITE TO THE ADDRESS
SHOWN AT THE TOP LEFT.

IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER (EIN)

Thank you for your Form SS-4, Application for Employer Identification Number (EIN). We assigned you EIN 56-2058904. This EIN will identify your business account, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Use your complete name and EIN shown above on all federal tax forms, payments, and related correspondence. If you use any variation in your name or EIN, it may cause a delay in processing, incorrect information in your account, or cause you to be assigned more than one EIN.

Based on the information shown on your Form SS-4, you must file the following forms(s) by the date we show.

Form 1065

04/15/1999

If the due date has passed please complete the form and send it to us by 01-01-1998. If we don't receive the form by that date additional penalties and interest will be charged. If you weren't in business or didn't hire employees for the tax period shown, please file the form showing that you have no liability.

If you need help in determining what your tax year is, you can get Publication 558, Accounting Periods and Methods, at your local IRS office.

If you have any questions about the forms shown or the date they are due, you may call us at 1-800-829-1040 or write to us at the address shown above.

Thank you for your cooperation.

810-888-0803

p. 2

MANAGERS:


Craig S. Gray, Jr.


Kim White

MEMBERS:


Craig S. Gray, Jr.


Kim White.


Ricardo Rodriguez

SCHEDULE 1

Name and Addresses of Members	Initial Cash Contribution	Membership Interest
Craig S. Eury, Jr. PO Box 630 Vass, NC 28394	\$ <u>0</u>	33.3%
Kim White Scalaybark Road West End, NC 27376	\$ <u>0</u>	33.3%
Richardo Rodriquez 410 St. James St. Laredo, TX 78041	\$ <u>0</u>	33.3%

NOV 07 2006 32

Michael N. Milby, Clerk
Laredo Division

EXHIBIT "B"

DEFENDANT'S EXHIBIT	
CASE NO.	<u>7-05-CV-226</u>
EXHIBIT NO.	<u>"B"</u>

LAW OFFICES ANDRES REYES
CAPITOL CENTRE
401 E. HILLSIDE, 2ND FLOOR
LAREDO, TEXAS 78041

FACSIM ILE TRANSMITTAL SHEET

TO:
MR. TONY CONDE, JR.

FROM:
DAWN FERRER

COMPANY:
TRANSPORTES CHIHUAHUA, INC.

DATE:
11-17-05

FAX NUMBER:

(915) 595-2435

TOTAL NO. OF PAGES INCLUDING
COVER:
22

PHONE NUMBER:
(915) 595-2438

SENDER'S REFERENCE NUMBER:
956-712-3633

RE:
CAUSE NO. 5974
TRANSPORTES CHIHUAHUA, INC.
V.
NTEX TRANSIT, INC.

YOUR REFERENCE NUMBER:

☒ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

ATT: MARTHA

UPON RECEIPT, PLEASE CALL ME IF YOU SHOULD HAVE ANY QUESTIONS
OUR OFFICE AT 712-3633.

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P. #	Result	Mode
918	NOV-18	15:58	19155468139	0'10'15"	023	OK	Normal

LAW OFFICE OF ANDRES REYES
CAPITOL CENTRE
401 E. HILLSIDE, 2ND FLOOR
LAREDO, TEXAS 78041

TO:
ELPASO DISTRICT CLERKS OFFICE

FROM:
MELISSA B. CERDA

COMPANY:
GLORIA

DATE:
11/18/2005

FAX NUMBER:
(915) 546-8139

TOTAL NO. OF PAGES INCLUDING COVER:
23

PHONE NUMBER:
(915) 546-2021

SENDER'S REFERENCE NUMBER:
956-712-3633

CAUSE NO. 2005-5974
TRANSPORTES CHIHUAHUA, INC.
V.
NTEX TRANSIT, INC.

YOUR REFERENCE NUMBER:

FACSIMILE TRANSMITTAL SHEET

☒URGENT ☒FOR REVIEW ☐PLEASE COMMENT ☐PLEASE REPLY ☐PLEASE RECYCLE

NOTES/COMMENTS:

PLEASE FIND A FILE STAMPED COPY OF THE NOTICE OF REMOVAL FILED TODAY. A HARD COPY WILL FOLLOW BY MAIL. ALSO, PLEASE FAX US A COPY OF THE DOCKET SHEET.

SHOULD YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CALL OUR OFFICE AT (956) 712-3633.

THANK YOU

LAW OFFICE OF ANDRES REYES
CAPITOL CENTRE
401 E. HILLSIDE, 2ND FLOOR
LAREDO, TEXAS 78041

TO:
ELPASO DISTRICT CLERKS OFFICE

FROM:
MELISSA B. CERDA

COMPANY:
GLORIA

DATE:
11/18/2005

FAX NUMBER:
(915) 546-8139

TOTAL NO. OF PAGES INCLUDING COVER:
23

PHONE NUMBER:
(915) 546-2021

SENDER'S REFERENCE NUMBER:
956-712-3633

CAUSE NO. 2005-5974
TRANSPORTES CHIHUAHUA, INC.
V.
NTEX TRANSIT, INC.

YOUR REFERENCE NUMBER:

FACSIMILE TRANSMITTAL SHEET

☒URGENT ☒FOR REVIEW ☐PLEASE COMMENT ☐PLEASE REPLY ☐PLEASE RECYCLE

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THANK YOU

NOV 07 2006 30

Michael N. Milby, Clerk
Laredo Division

EXHIBIT "C"

DEFENDANT'S EXHIBIT	
CASE NO.	<u>1-05-CV-226</u>
EXHIBIT NO.	<u>"C"</u>

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

MICHAEL N. MILBY
CLERK OF COURT
P.O. Box 61010
HOUSTON, TEXAS 77208

www.txs.uscourts.gov



Andres Reyes
Attorney at Law
401 E Hillside
Laredo TX 78041

Case: 5:05-cv-00226 Instrument: 3 (1 pages) aty
Date: Feb 17, 2006
Control: 060224239
FAX number: 956-725-4594 (2 Total pages including cover sheet)
Notice: The attached order has been entered.

You could have received this notice faster by e-mail,
and

You can serve other parties through the court's electronic filing system.

Electronic Noticing and Filing is authorized in Civil, Criminal and Bankruptcy Cases.

Read more about it at www.txs.uscourts.gov under CM/ECF - Electronic Filing,
and

Register on-line for a training class to receive your user privileges.

If we are unable to successfully send this fax, we will print this notice and mail it to you. We will continue to attempt to fax all subsequent notices. For questions, please call (713) 250-5768.

FEB 17 2006

Michael N. Milby, Clerk
Laredo Division

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

TRANSPORTES CHIHUAHUA, INC., \$

Plaintiff \$

vs. \$

Civil No. L-05-226 \$

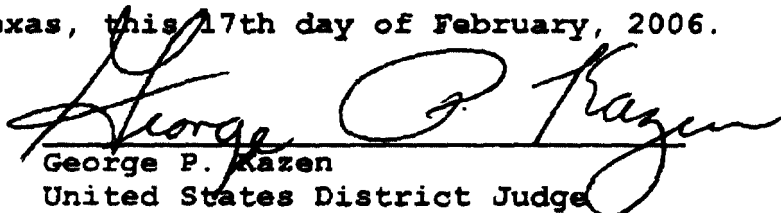
NTEX TRANSIT, INC. \$

Defendant \$
\$
\$
\$

ORDER

On November 18, 2005, this case was removed to federal court by Defendant NTEX. A Scheduling Conference was scheduled for February 15, 2006. Pursuant to Rule 26(f), the parties are required to confer and file a report with the Court prior to the scheduling conference. This report has not been filed. The scheduling conference is CANCELLED until further notice. The parties are DIRECTED to either file the report from their conference or explain to the Court why no conference has occurred by March 16, 2006.

DONE at Laredo, Texas, this 17th day of February, 2006.


George P. Kazen
United States District Judge



LAW OFFICES OF
ANDRES REYES

CAPITOL CENTRE
401 E. HILLSIDE
LAREDO, TEXAS 78041
TEL: (956) 712-3633 • FAX: (956) 725-4594
E-MAIL: areyes@ldlaw.com

February 27, 2006

Tony R. Conde, Jr.
Attorney at Law
2244 Trawood, Suite 206
El Paso, Texas 79935

I am in receipt of an order dated February 17, 2006 signed by the Honorable Judge George P. Kazen United States District Judge for the Southern District of Texas Laredo Division.

As per the order we are directed to confer:

1. to consider the nature or basis of the respective claims and defenses.
2. the possibility of prompt settlement or resolution of the case.
3. to make or arrange for disclosures
4. to develop a proposal discovery plan.

We are requested to jointly arrange the conference and attempt in good faith to agree on a discovery plan. Thereafter, we are to submit to the court within 14 days after the conference a written report outlining the plan.

The court has further directed us to file the report from our conference or to explain to the court why no conference has occurred by no later than March 16, 2006.

I have attempted on several occasion to talk to you and left message with your secretary. However, we have not spoken upon receipt of the letter please call my office so we can have the conference as directed by the court.

Most Cordially,



ANDRES REYES

AR/mbc



LAW OFFICES OF
ANDRES REYES

CAPITOL CENTRE
401 E. HILLSIDE
LAREDO, TEXAS 78041
TEL: (956) 712-3633 • FAX: (956) 725-4594
E-MAIL: areyes@ldlaw.com

CONFIDENTIAL

United States District Court
Southern District of Texas
RECEIVED

MAR 21 2006

Michael N. Milby, Clerk
Laredo Division

DJM

March 21, 2006

Federal District Clerks
1300 Victoria St.
Laredo, Texas 78040

Re: Civil No. L-05-226; Transportes Chihuahua, Inc. vs. NTEX Transit, Inc.

Dear Sir/Madam:

Pursuant to the order signed on February 17, 2006 by the Honorable Judge George P. Kazen United State District Judge for the Southern District of Texas Laredo Division. Please find the letter submitted to Counsel Attorney Tony R. Conde, Jr. dated February 27, 2006 requesting a conference in good faith to agree on a discovery plan. To date I have not received a response.

Should you have any questions please feel free to contact my office.

Most Cordially,



ANDRES REYES

AR/mbc

Cc: Attorney Tony R. Conde, Jr.
2244 Trawood, Suite 206
El Paso, Texas 79935
Tel: (915) 595-2438
Fax: (915) 595-2435

NOV 07 2006

Michael N. Milby, Clerk
Laredo Division

EXHIBIT "D"

DEFENDANT'S EXHIBIT	
CASE NO.	<u>2-05-CV-221</u>
EXHIBIT NO.	<u>"D"</u>

page 4.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

APR - 4 2006

Michael N. Milby, Clerk
Laredo Division

TRANSPORTES CHIHUAHUA, INC.,

Plaintiff

vs.

NTEX TRANSIT, INC.

Defendant

\$
\$
\$
\$
\$
\$
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\$
\$

Civil No. L-05-226

Ext.
1382

ORDER

On February 17, 2006, the Court entered an order directing the parties to confer pursuant to Rule 26(f). The parties were further directed to file a Rule 26(f) report on or before March 16, 2006. The Court did not receive a report from the parties, but instead received a letter filing from Defendant NTEX Transit, Inc.

The parties are therefore hereby ORDERED to appear for a status conference on Monday, April 17, 2006 at 2:00 p.m., 1300 Victoria St., Courtroom 3C. Plaintiff TRANSPORTES CHIHUAHUA, INC., should be prepared to explain why it failed to comply with the Court's order.

DONE at Laredo, Texas, this 4th day of April, 2006.



Diana Saldaña

United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

MICHAEL N. MILBY
CLERK OF COURT
P.O. Box 61010
HOUSTON, TEXAS 77208

www.txs.uscourts.gov



Andres Reyes
Attorney at Law
401 E Hillside
Laredo TX 78041

Case: 5:05-cv-00226 Instrument: 5 (1 pages) aty
Date: Apr 4, 2006
Control: 06043295
FAX number: 956-725-4594 (2 Total pages including cover sheet)
Notice: The attached order has been entered.

You could have received this notice faster by e-mail,
and
You can serve other parties through the court's electronic filing system.

Electronic Noticing and Filing is authorized in Civil, Criminal and Bankruptcy Cases.

Read more about it at www.txs.uscourts.gov under CM/ECF - Electronic Filing,
and
Register on-line for a training class to receive your user privileges.

If we are unable to successfully send this fax, we will print this notice and mail it to you. We will continue to attempt to fax all subsequent notices. For questions, please call (713) 250-5768.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

APR 19 2006

Michael N. Milby, Clerk
Laredo Division

TRANSPORTES CHIHUAHUA, INC.,	\$	
Plaintiff,	\$	
	\$	
vs.	\$	Civil No. L-05-cv-226
	\$	
NTEX TRANSIT, INC.,	\$	
Defendant.	\$	

ORDER

On April 17, 2006, the parties were ordered to appear for a status conference. Defendant NTEX appeared through its counsel, Andres Reyes. Plaintiff's attorney, Tony R. Conde Jr. failed to appear for the hearing. It appears that the District Clerk's office failed to notify Mr. Conde about the hearing.

Nonetheless, Rule 26(f) requires that the parties confer and file a report with the Court prior to a scheduling conference. The report has not been filed, despite Mr. Reyes' attempts to contact Mr. Conde. (Docket No. 4). The parties are therefore hereby ORDERED to file a Rule 26(f) Joint Discovery/Case Management Plan on or before May 26, 2006.

The District Clerk's office is further ORDERED to forward Mr. Conde a copy of this Order via certified mail/return receipt to 2244 Trawood, Suite 206, El Paso, Texas 79935, and via facsimile at (915) 595-2435.

DONE at Laredo, Texas, this 19th day of April, 2006.



Diana Saldaña
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

United States District Court
Southern District of Texas
FILED

JAN - 4 2006

Michael N. Milby, Clerk
Laredo Division

GES

CIVIL ACTION NUMBER: L-05-CV- 226

ORDER FOR CONFERENCE

1. Counsel shall appear for an initial pretrial and scheduling conference before

United States Magistrate Judge Marcel C. Notzon
on Wednesday, February 15, 2006 at 2:00 PM
at the United States Courthouse
Courtroom 2A
1300 Victoria Street
Laredo, Texas 78040

2. After the parties meet as required by FED.R.CIV.P. 26(f), counsel shall prepare and file, not less than 10 days before this conference a JOINT REPORT ON MEETING AS REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN attached to this ORDER.
3. The Court will enter a scheduling order and may rule on any pending motions at the conference.
4. The Plaintiff(s), or the party removing this suit from state court, SHALL SERVE THE OPPOSING PARTY OR PARTIES with copies of:
- a) this ORDER OF CONFERENCE,
 - b) the form for the JOINT REPORT ON MEETING REQUIRED BY RULE 26(f) AND JOINT DISCOVERY/CASE MANAGEMENT PLAN,
 - c) the MEMORANDUM explaining the conduct this Court will expect of counsel in this action.
5. These papers SHALL BE SERVED CONTEMPORANEOUSLY WITH THE SUMMONS AND COMPLAINT.
6. The parties will be bound by the provisions contained in this ORDER, the papers mentioned in #4 above, and the dates set out in the scheduling order to be entered in this case.

By Order of the Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

NOTICE OF THE RIGHT TO TRY
A CIVIL CASE BEFORE A MAGISTRATE JUDGE

With the consent of all parties, a United States Magistrate Judge may preside in a civil case, including jury trial and final judgment.

The choice of trial before a Magistrate Judge is entirely yours. Tell only the Clerk. Neither the Judge or the Magistrate Judge will be told until all the parties agree.

The District Judge to whom your case is assigned must approve the referral to a Magistrate Judge.

You may get consent forms from the Clerk.

Michael N. Milby, Clerk



UNITED STATES MAGISTRATE JUDGE'S COURT

MEMORANDUM

To: All litigants and counsel filing cases in this Division
Date: February 9, 1994
Re: Waiver of the requirements of Rule 26

This Division is now operating under Fed. R. Civ. P. 26 as amended December 1, 1993. Some cases have been specifically exempted from the new requirements of this rule, however, the vast majority of cases are subject to the new amendments. If for some reason counsel feel that the strictures of Rule 26 are inappropriate for their case, they may make a motion to the Court to suspend or modify those requirements. Such a motion must be made within 10 (ten) days of filing for plaintiffs and within 10 (ten) days of service of process for defendants. For removal actions these limits will begin to run after any remand issues have been determined by the Court. The motion must contain a short and plain explanation of why the suspension or modification is needed. If counsel seek modification of the requirements of Rule 26, they must specifically state, in their motion, what those modifications would be.



UNITED STATES MAGISTRATE JUDGE'S COURT

MEMORANDUM

To: All counsel in the pending litigation

Date: January 4, 2006

Re: Possible sanctions for failing to follow the requirements of Rule 26


As you are aware, the Federal Rules of Civil Procedure were amended effective December 1, 1993, and substantial changes were made to Fed. R. Civ.P.26. The Court has now implemented those changes, and all cases which are not specifically excluded from the requirements of Rule 26 will proceed under those provisions.

The Amended Rule 26 will govern this case. Failure by counsel to follow any of the provisions of Rule 26 will result in sanctions being assessed against counsel personally. Any sanctions imposed may not be charged to or reimbursed by clients without prior permission of the Court.

If counsel are unable to comply with any of the provisions of Rule 26, they should immediately inform the Court of this inability. This advisory to the Court should state which provision(s) of Rule 26 counsel are unable to comply with, and the reasons that they are unable to comply with the provision(s). If counsel can demonstrate to the Court that they have made a good faith effort to comply with the provision(s), or that the reasons they are unable to comply with the provision(s) are beyond their control, the imposition of sanctions can be avoided. However, "eleventh hour" notifications to the Court will only be excused in cases of emergency. Otherwise the Court will require at least 10 working days notice from counsel that a provision of Rule 26 can not or will not be followed.

If you have any questions regarding the above matters, please do not hesitate to contact the Court. I or my staff will be pleased to assist you.

United States Magistrate Court
DS-SDTX
FILED

NOV 07 2006 

Michael N. Milby, Clerk
Laredo Division

EXHIBIT "E"

DEFENDANT'S EXHIBIT
CASE NO. <u>L-05-CV-226</u>
EXHIBIT "E" NO. <u>E</u>



LAW OFFICES OF
ANDRES REYES

CAPITOL CENTRE
401 E. HILLSIDE
LAREDO, TEXAS 78041
TEL: (956) 712-3633 • FAX: (956) 725-4594
E-MAIL: areyes@ldlaw.com

April 19, 2006

Via Fax (915) 595-2435

Mr. Tony R. Conde, Jr.
Attorney At Law
2244 Trawood, Suite 206
El Paso, Texas 79935

Re: Civil No. L-05-226: Transportes Chihuahua, Inc. v. NTEX Transit, Inc.

Dear Mr. Conde:

Pursuant to the Order of April 17, 2006, I am hereby sending you a copy of the Order of Conference. I am also sending you a copy of my letter of conference dated February 27, 2006 requesting that you contact my office so as to comply with the order of conference. A copy of said letter was filed amongst the records of the court.

On April 17, 2006, I appeared before the Honorable Diana Saldana, United States Magistrate Judge and I advised that I have attempted on several occasions to speak with you. I have had the opportunity to speak with Martha and she has indicated that she has made you aware of my calls. I am respectfully requesting that once you receive this letter, that you contact my office so as to comply with the orders of the court.

Most cordially,



ANDRES REYES

AR/mbc

Enclosure

Cc: Federal District Clerks
1300 Victoria St.
Laredo, Texas 78040

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. TONY CONDE, JR
ATTORNEY AT LAW
2244 TRAWOOD, SUITE 206
EL PASO, TEXAS 79935

RE: TRANSPORTES CHIHUAHUA
V. NTX TRANSIT, INC.

2. Article Number

(Transfer from service label)

7004 0550 0000 1865 7420

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15-40

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Mante

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

APR 21 2005

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service
CERTIFIED MAIL[®] RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.39	
Certified Fee	2.40	
Return Receipt Fee (Endorsement Required)	1.85	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.64	

Postmark
Here

7004 0550 0000 1865 7420

Sent To: TONY CONDE JR.
 Street, Apt. No.: 2244 TRAWOOD, SUITE #206
 or PO Box No.:
 City, State, ZIP[®]: EL PASO TX: 79935

PS Form 3800, June 2002

See Reverse for Instructions

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

APR 19 2006

Michael N. Milby, Clerk
Laredo Division

TRANSPORTES CHIHUAHUA, INC.,
Plaintiff,

\$
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vs.

Civil No. L-05-cv-226

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Defendant.

ORDER

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DONE at Laredo, Texas, this 19th day of April, 2006.



Diana Saldaña
United States Magistrate Judge



LAW OFFICES OF
ANDRES REYES

CAPITOL CENTRE
401 E. HILLSIDE
LAREDO, TEXAS 78041
TEL: (956) 712-3633 • FAX: (956) 725-4594
E-MAIL: areyes@ldlaw.com

February 27, 2006

Tony R. Conde, Jr.
Attorney at Law
2244 Trawood, Suite 206
El Paso, Texas 79935

I am in receipt of an order dated February 17, 2006 signed by the Honorable Judge George P. Kazen United States District Judge for the Southern District of Texas Laredo Division.

As per the order we are directed to confer:

1. to consider the nature or basis of the respective claims and defenses.
2. the possibility of prompt settlement or resolution of the case.
3. to make or arrange for disclosures
4. to develop a proposal discovery plan.

We are requested to jointly arrange the conference and attempt in good faith to agree on a discovery plan. Thereafter, we are to submit to the court within 14 days after the conference a written report outlining the plan.

The court has further directed us to file the report from our conference or to explain to the court why no conference has occurred by no later than March 16, 2006.

I have attempted on several occasion to talk to you and left message with your secretary. However, we have not spoken upon receipt of the letter please call my office so we can have the conference as directed by the court.

Most Cordially,


ANDRES REYES

AR/mbc

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

United States District Court
Southern District of Texas
FILED

JAN - 4 2006

Michael N. Milby, Clerk
Laredo Division

GES

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SOUTHERN DISTRICT OF TEXAS

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Michael N. Milby, Clerk



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